

THE HONORABLE MARSHA J. PECHMAN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELTON MASON, an individual, dba
WASHINGTON STATE TRUCKING, a sole
proprietorship,

Plaintiffs,

VS.

SEATTLE TUNNEL PARTNERS, a Joint Venture, Dragados, USA, and Tutor Perini Corporation,

Defendants.

Case No. 2:17-cv-00186-MJP

ORDER GRANTING DEFENDANTS
SEATTLE TUNNEL PARTNERS, A
JOINT VENTURE, DRAGADOS USA,
INC., AND TUTOR PERINI
CORPORATION'S MOTION TO
COMPEL

**NOTED FOR HEARING:
FRIDAY, AUGUST 17, 2018**

1 The Court has now considered the following materials regarding Defendants Seattle Tunnel
2 Partners, a Joint Venture, Dragados USA, Inc., and Tutor Perini Corporation's ("the STP
3 Defendants") Motion to Compel:

- 4 • The STP Defendants' Motion to Compel (Dkt. No. 63), as well as the supporting
5 declaration and all attached exhibits;
- 6 • Plaintiff's opposition to the motion (Dkt. No. 66), as well as any supporting
7 declaration and attached exhibits;
- 8 • The STP Defendants' Reply Brief (Dkt. No. 70), including any supporting
9 declaration and attached exhibits; and
- 10 • All other relevant pleadings and orders on file in this case.

11 Having reviewed these materials, the Court is now prepared to rule as follows: **IT IS HEREBY**
12 **ORDERED** that Defendants' Motion to Compel is **GRANTED** as set forth below.

13 **IT IS FURTHER ORDERED** that Plaintiff shall supplement his discovery responses within 7
14 days of this Order, including specifically as set forth below:

- 15 • Plaintiff shall provide a supplemental response to Interrogatory No. 3 identifying with
16 certainty all cases to which he has been a party, including the general subject matter and
17 outcome of each case;
- 18 • Plaintiff shall provide a supplemental response to Interrogatory Nos. 6 and 8, including
19 identifying with certainty the Chase Bank account held by either Plaintiff Elton Mason or
20 his company, Washington State Trucking, from January 2012 to February 2015, and the
21 account number(s) for that account;
- 22 • Plaintiff shall provide a supplemental response to Interrogatory No. 12, regarding storage
23 of e-discovery, to fully explain where responsive e-discovery is stored and how Plaintiff's
24 counsel and Plaintiff are accessing it to make document productions, including details
25 regarding any relevant email accounts that have been destroyed or are no longer accessible;

- Plaintiff shall provide a supplemental response to Interrogatory No. 14, including identifying the damages he is claiming in this matter and a general basis by which he calculated those damages;
- Plaintiff shall provide a supplemental response to Interrogatory No. 15, including identifying in detail the facts supporting his allegation that STP allegedly created barriers in its contract negotiations with him;
- Plaintiff shall provide a supplemental response to Interrogatory No. 16, including identifying in detail the facts supporting his allegation that STP allegedly failed to pay his wages on time;
- Plaintiff shall provide a supplemental response to Interrogatory No. 17, including identifying in detail all facts supporting his allegation that STP reduced his scope of work to make it not profitable for him;
- Plaintiff shall provide a supplemental response to Interrogatory No. 18, including identifying in detail all facts supporting his allegation that STP made false allegations to WSDOT that Plaintiff “had filed off the VIN numbers from his trucks, resulting in a loss of business for Plaintiff”;
- Plaintiff shall provide substantive responses to Interrogatory Nos. 19–23, as the Court does not find that STP’s interrogatories exceeded the maximum number of interrogatories permissible under the FRCP 33(a); and
- Further, Plaintiff shall provide Defendants with supplemental document productions in response to Requests for Production No. 7 (bank account statements); No. 13 (damages); No. 17 (instances in which Plaintiff allegedly submitted the lowest bid for a project with STP but was ignored); Nos. 19, 20, and 24 (communications with current or former WST employees or contractors); and No. 21 (communications with third parties, including the union).

1 IT IS FURTHER ORDERED that, pursuant to FRCP 37(a)(5)(A), the STP Defendants shall
2 be awarded their reasonable fees for bringing the Motion to Compel. The Court expressly finds that
3 the circumstances set forth in FRCP 37(a)(5)(A)(i)–(iii) are not present in this case. Accordingly, the
4 STP Defendants are directed to file a Motion for Award of Costs and Fees within 7 days of this Order.
5 The STP Defendants' motion should describe in detail the amounts they incurred in bringing the
6 motion to compel. Plaintiff will then have an opportunity to respond to the request, after which time
7 the Court will issue an order.

8 IT IS FURTHER ORDERED that if Plaintiff fails to timely comply with this Order, the STP
9 Defendants may petition the Court for further relief, including by moving for dismissal of this action.

10 DATED this 6th day of September, 2018.

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